

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**STEWART SMITH, individually and  
on behalf of all others similarly situated,  
Plaintiff,**

**v.**

**DIRECT BUILDING SUPPLIES, LLC  
and DOES 1 through 10, inclusive, and  
each of them,  
Defendants.**

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**CIVIL ACTION**

**No. 20-3583**

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of October, 2021, upon consideration of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint and Plaintiff's response thereto, and for the reasons provided in the Court's Memorandum dated October 7<sup>th</sup>, 2021, it is **ORDERED** that:

1. Defendant's Motion (Document No. 9) is **GRANTED**.
2. Plaintiff's First Amended Complaint is **DISMISSED without prejudice**.
3. Plaintiff is **GRANTED** leave to file an amended complaint by October 21<sup>st</sup>, 2021.
4. Defendant's Motion to Strike is **DENIED** as moot.

**BY THE COURT:**



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**Berle M. Schiller, J.**